

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**ABINGDON CALENDAR - SEPTEMBER 17, 2003**

(The Honorable William F. Stone, Jr. Presiding)

(Start: \_\_\_\_\_ Recess: \_\_\_\_\_ ♦ Resume: \_\_\_\_\_ Stop: \_\_\_\_\_ ♦ Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

Attys:Debtors:Case Nos.:Trustees:

**9:30 A. M. - PRE-TRIAL CONFERENCES**

Lamie

JACKSON V. &amp; LAURA KISER-ch13

7-03-00001

Widener/SO

A/P 7-03-00076: Det. Liens; final pre-trial

Debtors v. Russell Co Va.( ); New Peoples Bank( Hutton; *answer 6/27* );United Way of SW Va ( ); Builders Supermarket Inc( Bragg; *answer 6/26\**

Kenneth Hart, Trustee( ); Gary Lawson, Trustee( );

Jackson R. Kiser( *CODY answer 6/6 & 6/27* ); & Superior Financial Services

Inc( )

***\*Counterclaim filed by Builders Supermarket for determination of lien priorities & sale of property (Bragg)***

***–Answer to counterclaim filed 7/29; d/e # 10 (Farthing)***

***–may be submitted on stipulation of facts if filed prior to pre-trial***

Carmody

ALBERT &amp; JULIE CONLEY - Ch. 7

7-03-02356

Wick/JJ

A/P 7-03-00108: Determine dischargeability of debt

Debtors v. Commonwealth of Va./Dept. of Taxation ( )

***–Order entered 8/19 dismissing AP***

A/P 7-03-00109: Determine dischargeability of debt

Debtors v. Commonwealth of Va./Dept. of Taxation ( )

***–Order entered 8/21***

A/P 7-03-00110: Determine dischargeability of debt

Albert Conley v. Commonwealth of Va./Dept. of Taxation ( )

***–Agreed Order entered 8/19 dismissing A/P***

A/P 7-03-00111: Determine dischargeability of debt

Albert Conley v. Commonwealth of Va./Dept. of Taxation ( )

***–Order entered 8/19 dismissing AP***

A/P 7-03-00112: Determine dischargeability of debt

Albert Conley v. Commonwealth of Va./Dept. of Taxation ( )

***–Order entered 8/19 dismissing AP***

Conley AP's contd next page  
Abingdon Calendar - 9/17/03

**9:30 A. M. - PRE-TRIAL CONFERENCES**

Carmody      ALBERT & JULIE CONLEY - Ch. 7      7-03-02356      Wick/JJ

A/P 7-03-00113: Determine dischargeability of debt  
Albert Conley v. Commonwealth of Va./Dept. of Taxation (      )  
**–Order entered 8/21**

A/P 7-03-00114: Determine dischargeability of debt  
Debtors v. Commonwealth of Va./Dept. of Taxation (      )  
**–Order entered 8/21 dismissing AP**

A/P 7-03-00115: Determine dischargeability of debt  
Debtors v. USA/IRS (      )  
**–Order entered 8/26**

A/P 7-03-00116: Determine dischargeability of debt  
Debtors v. USA/IRS (      )  
**–Order entered 8/26**

A/P 7-03-00117: Determine dischargeability of debt  
Debtors v. USA/IRS (      )  
**–Order entered 8/26**

A/P 7-03-00118: Determine dischargeability of debt  
Debtors v. USA/IRS (      )  
**–Order entered 8/26**

A/P 7-03-00119: Determine dischargeability of debt  
Debtors v. USA/IRS (      )  
**–Order entered 8/26**

A/P 7-03-00120: Determine dischargeability of debt  
Debtors v. Commonwealth of Va./Dept. of Taxation (      )  
**–Order entered 8/19 dismissing AP**

A/P 7-03-00121: Determine dischargeability of debt  
Albert Conley v. USA/IRS (      )  
**–Order entered 8/26**

A/P 7-03-00122: Determine dischargeability of debt

Albert Conley v. USA/IRS ( )  
–*Order entered 8/26*

*Conley AP's contd next page*

Abingdon Calendar - 9/17/03

**9:30 A. M. - PRE-TRIAL CONFERENCES**

Carmody      ALBERT & JULIE CONLEY - Ch. 7      7-03-02356      Wick/JJ

A/P 7-03-00123: Determine dischargeability of debt  
Albert Conley v. USA/IRS ( )  
–*Order entered 8/26*

A/P 7-03-00124: Determine dischargeability of debt  
Albert Conley v. USA/IRS ( )  
–*Order entered 8/26*

A/P 7-03-00125: Determine dischargeability of debt  
Albert Conley v. USA/IRS ( )  
–*Order entered 8/26*

A/P 7-03-00126: Determine dischargeability of debt  
Debtors v. Commonwealth of Va./Dept. of Taxation  
–*Agreed Order entered 8/19 cancels P/T*

**10:00 A.M. - MISCELLANEOUS**

Carmody      KIMBERLY WARD - Ch. 7      7-03-01969      Callahan/JJ

Motion # 1: Avoid lien–filed 8/11 [d/e # 13]  
Debtor v. Virginia Credit Union, Inc. ( )

–      GRAYSON MOUNTAIN WATER CO. - Ch. 7      7-01-03363      Wick/VS  
Trustee's Objection to Claim # \_\_ of William C. Jones [d/e # 277]

Hendricks      JEFFREY & RITA ELKINS      7-03-02080      Callahan/AF  
Motion #1: Relief - filed 7/11; d/e # 11, 12 - *contd from 8/6 & 9/3*  
First Community Bank NA (Kieffer) v. Jeffrey Elkins (only) & trustee

Snodgrass      ANTHONY & JULIA SEMONES      7-03-01699      Wick/S  
Obj of Trustee to Claim of Exemptions filed 8/13, d/e # 37

Abingdon Calendar - 9/17/03

**10:00 A.M. - MISCELLANEOUS**

Gifford      BURKE MOUNTAIN COAL -ch7      7-98-01015      Callahan/SL  
Motion of Trustee for compensation in amt of \$4,226.76 and expenses of \$184.81  
filed 8/13, d/e # 158, 165

Motion for compensation of Accountant for Trustee, Carla Webb, filed by  
trustee 8/13; in amt of \$980.00 and \$127.20 expense, d/e # 160 , 165

Carmody      JAMES LESTER-ch7      7-02-03390      Callahan/LM  
Motion #1: Avoid lien - filed 8/11; d/e # 20, 21  
Debtor v. Clinch Valley Medical Center  
**-Default Order entered 9/5/06**

Motion #2: Avoid lien - filed 8/12; d/e # 22, 23  
Debtor v. Clinch Valley Medical Center (\$182.50 & costs & interest)  
**-Default Order entered 9/5/06**

Motion #3: Avoid lien - filed 8/12; d/e # 24, 25  
Debtor v. Clinch Valley Medical Center (\$1,160.25 & costs & interest)  
**-Default Order entered 9/5/06**

Motion #4: Avoid lien - filed 8/12; d/e # 26, 27  
Debtor v. Clinch Valley Medical Center (\$325.00 & costs & interest)  
**-Default Order entered 9/5/06**

Motion #5: Avoid lien - filed 8/13; d/e # 28, 29  
Debtor v. Clinch Valley Medical Center (\$484.25)  
**-Default Order entered 9/5/06**

Motion #6: Avoid lien - filed 8/11; d/e # 30, 31  
Debtor v. Clinch Valley Medical Center (\$552.05)  
**-Default Order entered 9/5/06**

Motion #7: Avoid lien - filed 8/11; d/e #32, 33  
Debtor v. Clinch Valley Physicians, Inc. (\$2,298.76)  
**-Default Order entered 9/5/06**

Jessee	WAYNE & BARBARA SHORT-ch7	7-03-02280	Shortridge/AF
	Obj of Trustee to Claim of Exemptions filed 8/11; d/e # 18		
	<u>Response of Debtor to Trustee's Obj. filed 9/11; d/e # 21</u>		

Abingdon Calendar - 9/17/03

**10:00 A.M. - MISCELLANEOUS**

Copeland	DAVID & ANNIE GRAVELY-ch7	7-03-02459	Wick/SL
	Motion #1: Avoid lien - filed 8/12; d/e # 14, 15		
	Debtors v. Smythe County Community Hospital		

Carmody	WALTER & MARIE BROWN-ch7	7-03-02404	Wick/JM
	Motion #1: Avoid lien - filed 8/14; d/e #16, 17		
	Marie Sue Brown (Carmody) v. Tazewell Community Hospital c/o Christopher Wearmouth, CEO		

Carmody	DEBORAH STINETTE-ch7	7-03-02562	Wick/SJ
	Motion #1: Avoid lien, filed 8/15; d/e # 12, 13		
	Debtor v. American General Finance		

Motion # 2: Relief-filed 8/20 [d/e # 14, 15, 16]  
Bank One, NA (Neyhart) v. Debtor & Trustee  
**-DEFAULT ORDER entered 9/10, cancels hearing**

Lamie	LAUREL CREEK ENTERPRISES-ch7	7-02-01295	Callahan/SL
	Motion of Trustee for authority to disburse tax trust funds to Internal Revenue Service filed 8/15; d/e # 72		

Arey                      KEVIN & LINDA LAFFERTY-ch7                      7-03-03274                      Wick/NS  
Motion #1: relief - filed 8/18; d/e # 11, 12, 15  
Americredit Financial Services Inc (Epps) v. debtors & trustee

Motion #2: relief - filed 8/20; d/e # 13, 14  
Green Tree Servicing LLC (McQuiddy) v. debtors & trustee  
*movant certification filed 8/28, d/e # 16*

Abingdon Calendar - 9/17/03

**10:00 A.M. - MISCELLANEOUS**

Copeland                      BILL GREEVER, SR. - Ch. 7                      7-98-00088                      Wick/AF  
Motion # 3: Motion to Sell Free & Clear of Liens filed 8/18 [d/e # 266, 267]  
Robert E. Wick, Trustee v. Debtor, Deceased Heirs of the Estate of Bill Greever, Sr.,  
& Elizabeth Jones Greever (                      ), Bill B. Greever, Jr., (                      ), David Spencer  
(                      ), Dan Spencer (                      ), Kitty Durham (                      ), Norma Cook/Treas.  
Tazewell Co. (                      ) & Harold Buckner/Sheriff & Treasurer, Mercer Co. (                      )

C. Jessee                      GENERAL CREATIONS, INC. - Ch. 7 (Invol.)                      7-03-01782                      Callahan/SJ  
Trustee's Motion to designate debtor and directing filing of lists, statements,  
schedules & matrix & appearance at 341 mtg. of creditors [d/e # 15]

Antenucci                      COVER GIRL SEEDING, INC. - Ch. 7                      7-00-01332                      Antenucci/SJ  
Trustee's Motion for Compensation of \$6,000.40 fees and \$366.39 expenses (if no  
objections filed, Motion to be approved by order becoming self-executing) [d/e # 71,  
72, 77, 80]  
  
Motion for Compensation for LeClair Ryan, counsel for trustee, of \$5,170.00 fees  
and \$113.00 expenses [d/e # 73, 74, 78, 81]

Sturgill                      VIRGIE CASTLE-ch7                      7-03-01702                      Shortridge/SJ  
Motion of Trustee to Approve Sale of interest in certain real property  
to debtor in amount of \$7000.00 as stipulated - filed 7/21 d/e # 16 *Contd fr 8/20*

Harman                      EARL & WENDY FARRIS-ch7                      7-03-01967                      Callahan/NS  
Motion #1: relief - filed 7/24; d/e # 13, 14 *contd from 8/20*  
Wells Fargo Home Mortgage Inc (Sasser) v debtors & trustee  
Response filed 8/4 by Debtor [d/e # 16]; movant's certification filed 8/4 [d/e # 17]  
*Movant Certification 8/6; d/e # 18*

Abingdon Calendar - 9/17/03

**10:00 A.M. - MISCELLANEOUS**

Snodgrass                      BOBBY & REBECCA PRATT-CH7                      7-03-02346                      Wick/JJ  
Motion #1: Relief filed 8/20; d/e # 26, 27  
American General Finance Inc ( Hutton) v. debtors & trustee  
**-Agreed Ord of 9/12 cancels hearing**

Slavin    MILDRED CASSELL-ch7                      7-03-02029                      Callahan/SJ  
Motion of Trustee to extend time to object to discharge or file Motion to dismiss  
for substantial abuse - filed 8/21; d/e # 17

Snodgrass                      GARY CHILDRESS-ch7                      7-03-03179                      Wick/NS  
Motion #1: Relief - filed 8/26; d/e # 10, 11  
Bank One/Valley Financial Services Inc (Neyhart) v debtor & trustee  
*movant certification filed 9/4*

Jackson WILLIAM FUNK-ch7 7-01-01001 Callahan/GR  
Motion #1: Avoid lien - filed 8/13; d/e #22, 23, 24  
Debtor v. Orix Credit Alliance Inc c/o Hal B Parkerson, Esq.  
Exhibit (S) filed 9/2 [d/e # 25]

Money DAVID & OLIVIA SAWYERS - Ch. 7 7-03-03083 Shortridge/VS  
Motion # 1: Relief-filed 9/2 [d/e # 13]  
Beneficial Mortgage v. Debtors & trustee

Money WANDA HINTON-ch13 7-03-01503 Widener/VS  
Obj of former Ch 7 Trustee to conversion and Motion to Reconvert back to  
Chapter 7 (Callahan) filed 7/31; d/e # 26\_contd from 9/3  
Abingdon Calendar - 9/17/03

**11:00 A.M. - MISCELLANEOUS**

Gifford SHARRYL JENNEL-SUTHERLAND-ch7 7-02-00739 Wick/VS  
Objection of Edna Jennell by counsel (Monroe Jamison) to Trustee's  
Final Report and Proposed Distribution filed 8/11; d/e # 51, & notice d/e # 53  
(Trustee's final report s filed 7/19; d/e # 49, 50 )  
***NOTICE of withdrawal of Objection to Distribution filed 8/29; d/e # 54***

Farthing RAYMOND & DEBBIE LINEBERRY-ch7 7-03-01931 Callahan/GR  
Motion #2: Relief - filed 8/22; d/e # 17, 18  
Wells Fargo Home Mortgage Inc (Sasser) v. debtors & trustee  
*movant's certification filed 9/5 d/e # 21*  
***-Order granting relief entered 9/11; d/e # 22***

Carroll CHARLOTTE MASON-ch7 7-03-01947 Callahan/NS  
Motion #2: Relief - filed 8/27; d/e # 19, 20  
First Sentinel Bank (Bolling) v debtor & trustee  
*movant's certification filed 9/5; d/e # 23*  
***-DEFAULT ORDER entered 9/10, cancels hearing***

Farthing CHRISTOPHER & CRYSTAL SAGE-ch7 7-03-03300 Wick/SO  
Motion #1: relief - filed 8/26; d/e # 10, 11



Lamie SAMUEL BANKS - Ch. 11 7-96-01240 DIP/LM

Debtor to Show Cause why he should not be taken into the custody of the U. S. Marshal and held pending compliance with the Court's confirmation order of 3/18/02 or refer this matter to the District Court for consideration of possible criminal contempt proceedings [d/e # 304] *contd from 8/20 & s/c may be*

*Dismissed and final report/final decree approved & case closed prior thereto if U.S.Trustee notifies court all fees due have been paid in full*) [d/e # 310]

Final Report/Application for final Decree, filed 7/28; d/e # 308

Beck ANTAEUS GARY PROJECT, INC. - Ch. 7 7-00-00077 Farrell

Motion for Compensation filed by Karl K. Kindig, PLC, special counsel for the Trustee, in the amount of \$17,764.50 [d/e # 269]

Abingdon Calendar - 9/17/03

**1:00 P. M. - CONFIRMATION HEARINGS**

Hutchinson JEFFERY & SHARON RUSSELL - Ch. 13 7-03-00738 Widener/AF

Mod Plan filed 6/27; d/e # 24, 25

Obj of Cenlar (McQuiddy) *contd from 6/4 & 8/20 to hear w/mod plan*

Trustee's Objection & Show Cause on Dismissal/Conversion [d/e # 30] *contd fr 8/20*

Proctor ROBERT & RITA HALE - Ch. 13 7-03-01130 Widener/VS

Mod. Plan filed 7/22 [d/e # 22]

Trustee's Obj. & Show Cause for Dismissal/Conversion cont'd from 7/2 [d/e # 22, 23]

Hutchinson MAE MOORE-ch13 7-02-03916 Widener/JJ  
Post-conf Mod Plan filed 7/30; d/e # 34, 35 (*Previously confirm ed 1/9/03*)

Gifford ALLEN & PRINCESS MCCracken-ch13 7-03-00584 Widener/AF  
Mod Plan filed 7/30; d/e # 44, 45

Graham RONALD PORTER - Ch. 13 7-03-02334 Widener/VS  
Plan filed 6/3; d/e # 5 *contd from 9/3*  
Trustee's Report, Objection & Show Cause on Dismissal/Conversion [d/e # 13]

Abingdon Calendar - 9/17/03

**1:00 P. M. - CONFIRMATION HEARINGS**

Timoney ELLIS & TRACI LEONARD 7-03-02484 Widener/AF  
Plan filed 6/10; d/e # 6 *contd from 9/3*

Lamie BRENDA OWENS 7-03-02210 Widener/GR  
Amended Plan filed 7/21, d/e # 18, 19; *contd from 9/3*

Valuation Motion: 2000 Jeep Cherokee: GMAC , filed 8/12; d/e # 22

Snodgrass JAMES STAMPER JR 7-03-01793 Widener/VS  
Mod Plan filed 7/31; d/e # 19, 20  
*Val. Mots set on 8/20 were granted*

Slavin FRANK NEWBERRY- 7-03-00414 Widener/GR  
Mod Plan filed 7/31; d/e # 43, 44  
Trustee Showcause Motion filed 6/2; d/e # 33, contd from 7/2 to hear w/mod plan  
Trustee Report Obj & Showcause: Dismiss/convert, filed 8/11; d/e # 46

Snodgrass HURLEY & LINDA WILSON-ch13 7-03-02499 Widener/S  
Mod Plan filed 7/31; d/e # 16, 17

Abingdon Calendar - 9/17/03

**1:00 P. M. - CONFIRMATION HEARINGS**

Lamie DAVID & WANDA JACKSON - Ch. 13 7-02-05148 Widener/AF  
Mod. Plan filed 8/7 [d/e # 49, 50] –**MOD PLAN filed 9/9; set 10/22 @ 1:00**  
Trustee's Report, Objection & Show Cause on Dismissal/Conversion filed  
8/19 [d/e # 52] and Trustee's Showcause contd from 7/23  
**Obj:** Highlands Union Bank (Hutton) filed 9/5; d/e # 53

Notice of Hearing and Notice of Default: Motion #1: Re: Order entered 4/4/03;  
Highlands Union Bank (Hutton ) v. debtors , filed 9/5 , d/e # 54

Hutchinson THOMAS & MELISSA HENSLEY-chl3 7-02-01929 Widener/SJ  
Mod Plan filed 8/6; d/e # 36, 37, 38

Timoney LARRY & PEGGY PARRIS 7-02-02448 Widener/AF  
Mod Plan filed 7/22 with Debtors' Orig signatures, d/e # 15, 20, 21  
Mortgage Corp (Sasser/Esposito) d/e # 14  
*contd fr 8/20 pending settlement or ruling on A/P 02-128'*

**Objection:** EMC

**1:00 P.M. - MISCELLANEOUS**

Proctor JOSEPH & PAMELA HICKS - Ch. 13 7-03-01131 Widener/GR  
Motion #1: relief - filed 7/29; d/e # 21, 23  
Wells Fargo Bank Minnesota NA (Clarke) v. debtors & trustee  
**–Order entered 9/2 granting relief from stay [d/e # 32]**

Gifford JAMES D. HATCHER-chl3 7-01-05304 Widener/JM  
Motion of Debtor to Require Arcadia Financial to Disburse to Debtor  
funds from payment by insurance carrier, Permanent General, required to  
cover expense of the vehicle repair incurred by the debtor in amount of \$2,022.96  
**Objection:** Trustee (Widener) filed 8/11; d/e # 47

Abingdon Calendar - 9/17/03

**1:00 P. M. - MISCELLANEOUS**

Snodgrass WILBERT & PALFALENE CHANDLER - Ch. 13 7-03-00166 Widener/JJ  
Motion # 1: Relief–filed 8/18 [d/e # 26, 27, 30 ]  
First Citizens Bank, as servicing contractor for Va. Housing  
Dev. Auth. V. Debtors & Trustee  
Response of debtors filed 8/26; d/e # 31

Largen EDDIE & AMANDA RANKIN-chl3 7-01-04717 Widener/NS  
Motion of Debtors to Incur Debt filed 8/27; d/e # 55

**1:30 P.M. - MISCELLANEOUS**

Lamie FRED HICKS JR 7-02-04483 Widener/VS  
Motion #2: relief - filed 8/25; d/e # 49, 50  
Highlands Union Bank (Hutton) v. debtor & trustee  
Answer filed by Debtor 9/2 [d/e # 52]

Timoney JUDY HAYWOOD-chl3 7-01-03603 Widener/VS  
Motion #6: Relief from Stay and Co-Debtor Stay  
Bank of America Mortgage (Sasser) v. debtor & William Martin  
Haywood, Jr., co-debtor ( )  
Answer of Respondent filed by counsel for debtor 8/25, d/e # 73

**2:00 P.M. - MISCELLANEOUS**

Hutchinson KELLI INMAN-chl3 7-01-05347 Widener/NS  
Trustee Motion to Convert/Dismiss d/e # 23, filed 7/30; *contd from 8/20*

Abingdon Calendar - 9/17/03

**2:00 P. M. - MISCELLANEOUS**

Snodgrass GREGG & YDILIFONSA JONES - Ch. 13 7-02-03396 Widener/JJ  
Trustee's Motion to Dismiss or Convert Case [d/e # 44]

Timoney MICKEY & ALICE NORRIS - Ch. 13 7-03-00801 Widener/GR  
Trustee's Motion to Dismiss or Convert Case [d/e # 22]

Gifford HOWARD MALOYED - Ch. 13 7-03-00817 Widener/NS  
Trustee's Motion to Dismiss [d/e # 22]

Largen LARRY, SR., & LINDA RIGGINS - Ch. 13 7-02-02202 Widener/SJ  
Trustee's Motion to Dismiss or Convert Case [d/e # 44]

Carmody DOUGLAS & KATHY JO COOPER - Ch. 13 7-99-00528 Widener/AF  
Trustee's Motion to Dismiss or Convert Case to Ch. 7 [d/e # 52]

Abingdon Calendar - 9/17/03

**2:00 P. M. - MISCELLANEOUS**

Gifford PETER JUPINO-ch13 7-02-05000 Widener/SO  
Motion #3: Relief from stay and co-debtor stay filed 7/8; d/e # 48, 49 50

Champion Mortgage c/o Fidelity National Foreclosure Solutions (Clarke/Hanson) v. debtor & Shirley S. Jupino, co-debtor ( )  
Response filed 7/31, d/e # 51, and Motion for Extension of Time to File Reply  
*movant atty tendered default order on 7/31 – contd from 8/6 & 9/3*

**2:30 P.M. - TRIAL**

Carmody      MICHAEL TESTER-ch7      7-03-01560      Callahan/SO  
A/P -03-00093: Det. Validity, priority or extent of lien or interest in property  
Debtor v First Community Bank (Kieffer )

Motion #1: Relief - filed 6/12, d/e # 13, 14  
First Community Bank NA (Kieffer) v. debtor & trustee  
Answer filed 6/20, d/e # 15 – *cont'd from 7/2 as to '99 Ford Taurus only - relief*  
*previously granted by 7/17 order re: 1999 Ford Ranger Pickup*